

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BEOM SU LEE,

Plaintiff,

v.

ROKU KARAOKE, *et al.*,

Defendants.

Case No. 18-cv-08633-KM-ESK

ORDER

THIS MATTER having come before the Court on plaintiff's "motion for proposed temporary injunction and impound request" (Renewed Motion) (ECF No. 159); and

1. In the Renewed Motion, plaintiff argues that he "is entitled to an injunction restraining [certain] [d]efendants,^[1] their officers, agents, employees, and all persons acting in concert with them from engaging in further such unlawful conduct," which is the unlawful reproduction, distribution, performance, public display, and sales of "Jae Ho Lee's Music." (*Id.* p. 4.) Plaintiff cites to 17 U.S.C. §§ 502, 503, and 506 in support of the Renewed Motion. (*Id.* p.2-4.)

2. Plaintiff also seeks an order confiscating "all karaoke machines and all songbooks that illegally contain Jae Hoe Lee's music from [certain][d]efendants' karaoke establishments by law." (*Id.* p.4.)

3. Plaintiff previously sought entry of default judgment against certain defendants. (ECF No. 140, 145.) The Court, however, denied without prejudice plaintiff's "motions for default judgment ... as default [was] not ... currently entered against all of the relevant defendants." The Court directed plaintiff "to

¹ The term "Non-Participating Defendants" was previously used by the Court to denote those appearing-defendants who did not participate in the settlement conference on January 15, 2021 (*see* minute entry after ECF No. 127). The settlement conference resulted in a settlement with the "Participating Defendants," and the Court, thereafter, granted Kim & Cha, LLP's motion to be relieved as counsel for the Non-Participating Defendants. (*See* ECF No. 130.) The Renewed Motion, however, seeks relief against additional defendants beyond the "Non-Participating Defendants." Accordingly, the use of "Non-Participating Defendants" would not be appropriate for the Renewed Motion, where it appears plaintiff is seeking relief against appearing- and non-appearing defendants.

specifically indicate when default was entered against each relevant defendant and the corresponding ECF entries reflecting same.” (ECF No. 151.)

4. The Court also previously administratively terminated two other motions filed by plaintiff (Prior Motions), where plaintiff sought injunctive relief as to certain defendants. (ECF Nos. 153, 154, 156, 157.) The Prior Motions were administratively terminated because they failed to: (1) “cite[] to case law, Federal Rule, or other legal authority;” (2) “include any citations to the docket;” and (3) “include a memorandum of law ... or proposed form of order.” (ECF Nos. 156, 157.)

5. Although plaintiff filed a “memorandum of law” and a proposed order (ECF Nos. 159-1, 160) in support of the Renewed Motion, the memorandum argues that plaintiff should be “[g]rant[ed] ... [s]ummary [j]udgment” as to certain defendants. (ECF No. 159-1.)

7. It appears from plaintiff’s dismissed motions for default judgment and the Renewed Motion papers that plaintiff is seeking to obtain final judgment against some defendants through a motion for default judgment and against other defendants through a motion for summary judgment. However, as previously ordered, plaintiff must set forth the basis for a request for default judgment, which must include citations to the docket indicating where default was previously entered against a particular defendant and the legal basis for the entry of default judgment. Additionally, if plaintiff is seeking summary judgment as to other defendants against whom default has not been entered, then a motion for summary judgment compliant with the Federal Rules and Local Civil Rules should be filed against only those defendants.

Accordingly,

IT IS on this 3rd day of January 2022 ORDERED that:

1. The Renewed Motion is **DENIED without prejudice**. The Clerk of the Court is directed to terminate the Renewed Motion at **ECF No. 159**.

2. A telephone conference is scheduled for **January 11, 2022 at 1:30 p.m.** The dial in number is 1-888-684-8852 and the access code is 310-0383#.

/s/ Edward S. Kiel
EDWARD S. KIEL
UNITED STATES MAGISTRATE JUDGE